

DRAFT

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
American Tower Corporation Request For)	WT Docket No. 05-326
Waiver To Perform Annual Inspections In)	
Place Of Quarterly Inspections Required By)	
47 C.F.R. Section 17.47(b))	

COMMENTS OF HARK TOWER SYSTEMS, INC.
ON REQUEST OF AMERICAN TOWER CORP. FOR WAIVER OF QUARTERLY
INSPECTIONS REQUIRED BY PART 17

Hark Tower Systems, Inc (“Hark”), hereby respectfully submits its comments in response to the Wireless Telecommunications Bureau’s (“WTB”) *Public Notice* (“Notice”) in the above-captioned proceeding. The Notice seeks comment on American Tower Corporation’s (“ATC”) request for waiver (“Request”) of Section 17.47(b) of the Federal Communications Commission’s (“FCC” or “Commission”) rules regarding inspection requirements for the owners of any antenna structures. Specifically, ATC asks the Commission for permission to perform annual inspections instead of the required quarterly inspections. Hark, would like to urge the Commission to grant ATC’s request if the grant is not limited to the one brand of monitoring equipment profiled in ATC’s request. Hark would like to see the Commission take a comprehensive approach to this proceeding and go beyond some of the specifics of the Request.

I. Introduction

Hark Tower Systems, Inc is a supplier of obstruction light alarm monitoring equipment to the wireless communication industry. Hark’s customers own and manage telecommunications towers and antenna facilities, supporting wireless services of all kinds across the country. As a leading supplier of obstruction light alarm monitoring equipment to the industry for more than 10 years, Hark has an interest in the regulatory obligations

imposed on the tower industry. Given its position, Hark has a direct interest in the outcome of any Part 17 revisions.

Hark submits that the Commission should take this opportunity to re-evaluate Section 17.47(b) to recognize technological developments since the original rulemaking. At the very minimum, the Commission should revise its rules to relieve those entities that have implemented other monitoring systems that similarly provide the functional equivalent of continual inspection through intelligent alarm monitoring systems. For the Commission to solely act on this one waiver request and ignore the other equivalent monitoring situations would be grossly unfair to the other tower owners who are similarly situated to ATC. Moreover, Hark believes that the purpose of rule 17.47b is no longer being served by applying the rule to any tower owner using a light monitoring system with adequate sophistication including on-demand two way communications and a centralized network operations control (“NOC”) center.

Currently, other tower owners subject to Section 17.47(b) provide the equivalent of continual inspection monitoring or control devices. These companies automatically monitor their wireless telecommunications facilities through intelligent devices at the tower site and the use of NOC centers. Since these companies operate a system that is functionally similar to ATC they suffer the same implications of Section 17.47(b). For all companies who utilize this technology, quarterly and annual physical examinations are unnecessary. Such a requirement is inconsistent with the modern monitoring technology now deployed and imposes needless and costly burdens on the infrastructure and carrier industries.

- II. Section 17.47(b) should be modified because it would be in the public interest to waive inspection requirements for all tower companies using a sophisticated monitoring system and a NOC center.
 - a. A minimum level of sophistication should be determined.

The Commission should set a minimum sophistication level to properly monitor obstruction lighting without quarterly inspections. There are aspects of a monitoring system that are paramount to adequately monitor obstruction lighting. The monitoring system should be comprised of 1) a NOC center staffed with company personnel, 2) a constantly available, two way communication link between the tower site and the NOC, 3) site equipment capable of interrogation on demand and, 4) the ability to communicate during power outages of reasonable durations.

A NOC staffed with the tower company's personnel would put the burden of performance directly on the company without a third party to shift blame to in the event of an issue of non-compliance. Fewer organizations involved would also simplify the handling of site issues and increase the reliability of the process of dealing with tower site alarms and the associated repairs.

A constantly available, two way communication link between the tower site and the NOC is key to timely reporting and interrogation of site alarms. Additionally, this constant path is the means to supervise the tower site monitoring equipment's ability to report alarms.

The ability to communicate on-demand with the tower site monitoring equipment and to interrogate the status of any alarm issue is invaluable to the NOC personnel. For example, all brands of obstruction lighting generate multiple alarms during power outages (power "bumps" are a common occurrence at remote sites) and interrogating the alarm detail would reveal the true nature of the site status. Being able to observe the total situation remotely is a significant function resulting in an efficient use of resources.

Battery back-up power is a must for the tower site monitoring equipment. As stated in the previous paragraph, temporary power outages occur frequently at remote sites due to a variety of reasons. Most are short-lived, but they make the back-up battery power a standard requirement and not optional. This item is not trivial as it can also apply to the link equipment as

well. Satellite links and other wireless linking devices would require back-up power to maintain connectivity with the NOC during a power failure.

III. Conclusion

Hark respectfully asks the Commission to eliminate the quarterly inspection requirement set forth in Rule 17.74(b) of the Commission's rules for all tower owners operating a tower site monitoring system and an NOC center described in the previous sections. By taking such action, the Commission would provide all the parties involved with several advantages. The tower owners would be served because they would no longer have to operate under an outdated rule that places an unnecessary financial burden on them. The public would be served by having the knowledge that there are reliable lighting monitoring systems in place and that tower owners are moving to include more. And, the Commission itself would be relieved of what otherwise might be an onslaught of waiver requests intended to imitate the original ATC filing. By taking this action, tower safety would advance and not decline.

Respectfully submitted,

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